

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THE ANSCHUTZ CORPORATION,

Plaintiff,

v.

MERRILL LYNCH & CO., et al.,

Defendants.

No. C 09-03780 SI

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT’S
MOTION TO COMPEL**

Currently before the Court is defendant Fitch, Inc.’s motion to compel further responses by plaintiff The Anschutz Corporation’s (“TAC”) to Fitch’s Interrogatories Nos. 3-4 and to compel TAC to add Paul Grigel as a custodian. Docket No. 331.

1. With respect to Interrogatory No. 3, the Court agrees with TAC that as phrased the interrogatory is impermissibly overbroad, as it potentially encompasses thousands upon thousands of documents. However, Fitch’s narrowed request – as framed in its motion to compel – that TAC be required to identify “reports” “summarizing or analyzing Anschutz’s ARS,” is more appropriate. Therefore, the Court GRANTS Fitch’s request in part and compels TAC to provide a supplemental interrogatory response identifying the following: reports created by TAC that summarize or analyze TAC’s ARS investments.

2. With respect to Interrogatory No. 4, which asks TAC to identify the “author, recipients, and any other person or entity that received or reviewed each of the” documents identified in response to Interrogatory No. 3, the Court GRANTS Fitch’s request in part and compels TAC to provide a supplemental interrogatory response identifying the following: the author and recipient(s) of each report identified in its supplemental response to Interrogatory No. 3.

